

From: Allison Castellan - NOAA Federal
To: Henning, Alan
Sent: 7/28/2014 10:09:16 AM
Subject: Re: Ag issue statement

As we discussed on the Ag call, I see the Ag issue as 2 fold:

1. Do we approve OR for Ag MMs or do we require them to show stronger monitoring and tracking component since relying on voluntary approach?

Background:

- **Ex. 5 - Deliberative**
- HOWEVER: Now its clear AWQMA plans (which include the specific 6217(g) MMs, as requested) are much more voluntary then we had originally envisioned.
- Therefore, does state need to pass "3-prong test" for voluntary programs?

- **Ex. 5 - Deliberative**
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2. If we feel AWQMA Process satisfies CZARA requirements but still falls short of protecting wq, do we say OR has met the Ag condition but then place add MM(s) for agriculture on program at this stage? If so, how many and how specific should we be (do we address buffers, pesticides, legacy issues?)

Background:

- Many commenters noted that AWQMP is not adequate and add MMs are needed.
- However, other commenters said AWQMP was sufficient (exceeded) CZARA requirements and noted that MMs must be economically achievable. They noted that requiring add MMs would be holding OR to higher standard and NOAA/EPA did not have authority to place add MM on states program (guidance notes that states (not feds) identify add MMs and they only apply to identified land uses w/ing specific CCAs identified).

- **Ex. 5 - Attorney Client**

- Tech team still researching science around ag NPS pollution. If current data support show that existing 6217(g) MMs are not sufficient and add MMs are needed, do we want to place add MMs on OR's program now?
- Adding add MMs would be precedent setting for Coastal Nonpoint Program. State could claim we're holding them to higher standard. However, if science shows that Ag is still an issue and we don't act, some commenters could claim we aren't using our authority under CZARA to sufficient protect wq.

On Fri, Jul 25, 2014 at 5:43 PM, Henning, Alan <Henning.Alan@epa.gov> wrote:

What do you think?

Issue Statement: If current data and public comments with associated reference documents, support the need for us to add new requirements for additional management measures related to agriculture, should we make a finding that the State's CNPCP does not meet CZARA's management measures for agriculture even though we previously determined that State's mms for ag had been met.

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